

## REMARKS

Claims 1-30 are pending in the application. Claims 1, 11 and 21 are objected because of informalities. Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,026,165 to Marino et al. ("Marino"). Claims 11-16 and 21-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marino. Claims 9-10, 19-20 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marino in view of U.S. Patent No. 6,028,505 to Drori ("Drori"). Claims 7-8, 17-18 and 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marino in view of U.S. Patent No. 4,928,778 to Tin ("Tin"). Applicants respectfully traverse the objection and rejections and request the Examiner to withdraw the pending objection and rejections in light of the following remarks.

### **A. Objection to Claims 1, 11 and 21**

Claims 1, 11 and 21 were objected because of some informalities. Claims 1, 11 and 21 have been amended to correct the informalities. Thus, Applicants respectfully request the objection to be withdrawn.

### **B. Rejections to Claims 1-6 under 35 U.S.C. § 102(b)**

Claims 1-6 are patentable because Marino neither discloses nor anticipates, *inter alia*, a portable transmitter that stores a plurality of ID code sections that form one ID code as a whole and wherein each ID code section is generated corresponding to an operation of at least one operating switch, as recited in claim 1. Further, claims 1-6 recite that "when said first control unit is set to the ID registration mode by said ID registration mode setting mechanism and said at least one operating switch is operated, the ID code sections are supplied to said first storing unit to be registered as said ID code."

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Marino. Claim 1 recites a communication apparatus comprising a portable transmitter and a receiver. The portable transmitter includes at least one operating switch and a first storing unit containing an ID code registered therein, wherein the ID code includes a plurality of ID code sections forming one ID code as a whole. Each ID code section is generated corresponding to an

operation of the at least one operating switch. The portable transmitter includes an ID registering mode setting mechanism to set a first control unit to an ID registration mode. In the ID registration mode, when the at least one operating switch is operated, the ID code sections are generated and supplied to the first storing unit to be registered as the ID code. The communication apparatus of claim 1 provides advantages that ID code comprised of the ID code sections can be generated from the portable transmitter by operation of at least one operating switch, and ID code to be registered is a random code due to the switch operation timing. Thus, a portable transmitter having no compatibility with those of others can be obtained.

On the other hand, Marino does not disclose or anticipate the communication apparatus recited in claim 1. Marino discloses a wireless communication system having a receiving station and a plurality of transmitting devices. In Marino, the device ID does not change. Marino discloses that "[t]he Device ID is programmed at the factory by the manufacturer, identifies the device uniquely, and in general is unchangeable." Col. 7, lines 9-12. The user can change only the encryption key, which encrypts data message including the Device ID to be transmitted to a receiver of the receiving station. In a programming mode, if no Device ID match is found in memory table of the receiver, the Device ID, which is already programmed by the manufacturer, is being registered in memory table of the receiver. Marino presents the same problem as one that the prior art of claim 1 has, i.e., "the portable transmitter 70 of the known keyless entry device requires an ID code writing device, since ID codes which differ for each vehicle are written to the ID code storing units 74 by manufacturer at the time of manufacturing." *See* p. 5, lines 3-7 of the specification.

Based on the above, Marino does not anticipate claim 1. Claims 2-6 depend from claim 1 and include all of the features of claim 1, plus additional features. Therefore, claims 2-6 are not anticipated by Marino for at least the same reasons as above. Applicants respectfully request the Examiner to withdraw the rejection to claims 1-6.

C. 35 U.S.C. § 103(a)

1. Claims 11-16 and 21-26

Claims 11-16 and 21-26 are patentable because Marino does not teach or suggest a communication apparatus comprising a portable transmitter, (i) which includes an ID code having a plurality ID code sections wherein each code section is generated corresponding to an operation of at least one operating switch; (ii) wherein when all ID code sections are stored in a second storing unit, the all ID code sections are joined and transferred to a first storing unit to be registered as the ID code (claims 11-16); and (iv) wherein the ID code sections are stored in a second storing unit except for a final ID code section and when the final ID code section is formed, the ID code sections stored in the second storing unit are read out and all ID code sections are joined and transferred to the first storing unit to be registered as the ID code (claims 21-26).

Claims 11-16 and 21-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marino. The Office Action concedes that Marino does not teach features of the second storing unit defined in claims 11-16 and 21-26, but the Office Action asserts that it would have been obvious to a person skilled in the art to include such features in the device of Marino. The Office Action does not provide any reference disclosing the second storing unit. It is well settled that “[t]o establish a prima facie case of obviousness, three basic criteria must be met: [f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; [s]econd, there must be a reasonable expectation of success; [f]inally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2143. Applicants submit that the Office Action fails to make out the prima facie case of obviousness regarding claims 11-16 and 21-26 for at least the following reasons.

The Office Action fails to provide a prior art reference that teaches or suggests the second storing unit used in the arrangements of claims 11-16 and 21-26. In this regard, the Office Action appears to assert that Marino teaches the communication apparatus defined in claims 11-16 and 21-26 except the second storing unit and that Marino’s device may be combined with RAM or temporal storage or second storage. The Office Action further asserts that the CRC

code disclosure of Marino provides a suggestion to include the second storing unit into Marino, because error check in the prior art of Marino is processed from the RAM or temporal storage and data messages of Marino including data 28, device ID 30 and CRC 34 are stored in the memory, EEPROM 42 via addressing scheme for the purpose of memory back-up.

Applicants submit that in addition to the missing second storing unit, Marino does not teach other limitations of claims 11-16 and 21-26. Marino does not teach a portable transmitter wherein the ID code sections are generated and stored in the first storing unit. Marino's device has the Device ID programmed by the manufacturer, thereby being unchangeable. From the Marino's device, those having ordinary skill cannot obtain any suggestion to include the second storing unit to store the ID code of claims 11-16 and 21-26.

In addition, the CRC field of Marino does not provide such suggestion as having the second storing unit. The CRC field is not the ID code section generated corresponding to the operation of the operating switch but the transmission error checking field. The CRC field is not stored in the EEPROM and it is simply used by the receiver to check transmission error. Marino, Col. 7, lines 48-50. Thus, no suggestion or motivation is provided to combine the device of Marino with the second storing unit to store the ID code based on the CRC field disclosure.

Further, simply combining Marino's device and any RAM or temporal storage does not teach or suggest all claim limitations defined in claims 11-16 and 21-26. Marino does not teach, *inter alia*, the portable transmitter comprising (i) the ID code including a plurality of ID code sections, each ID code section being generated corresponding to an operation of the at least one operating switch; and (ii) wherein the ID code sections are stored in the second storing unit, and all ID code sections are joined and transferred to the first storing unit to be registered as the ID code as defined in claims 11-16; and (iii) wherein the ID code sections are stored in the second storing unit except for a final ID code section and when the final ID code section is formed, the ID code sections stored in the second storing unit are read out and all ID code sections are joined and transferred to the first storing unit to be registered as the ID code, as defined in claims 21-26. Accordingly, even if any RAM or temporal storage may be combined with Marino's device, such combination does not teach or suggest the communication apparatus defined in claims 11-16 and 21-26.

Based on the above, Applicants respectfully submit that the Office Action fails to provide the prima facie case of obviousness with respect to claims 11-16 and 21-26. Applicants also

submit that Marino does not teach or suggest the communication apparatus defined in claims 11-16 and 21-26, either individually or in combination with RAM or temporal storage if such combination may be made. Thus, Applicants respectfully request the Examiner to withdraw the rejection to claims 11-16 and 21-26.

2. Claims 9-10, 19-20 and 29-30

Claims 9-10, 19-20 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marino in view of Drori. The Office Action concedes that Marino does not teach that when one operating switch is not operated within a predetermined time period, the first control unit reverts out of the ID registration mode. However, the Office Action asserts that Drori discloses such feature and that it would have been obvious to one of ordinary skill in the art to combine the device of Marino with disclosure of Drori.

Drori discloses a vehicle security system including a hand-held remote control transmitter and a receiver. The transmitter is a multi-channel transmitter, capable of generating encoded commands for activating various functions. In Drori, the security system may be in programming mode to control sensitivity of alarm or sensor warning. The programming mode will be automatically exited upon expiration of a predetermined time interval during which no channel transmission is detected.

Claims 9-10, 19-20 and 29-30 directly or indirectly depend from claims 1, 11 and 21, respectively. As discussed in the foregoing Sections B and C. 1, Marino does not disclose, *inter alia*, a portable transmitter wherein each ID code section is generated corresponding to the operation of at least one operating switch; the ID code sections are registered as the ID code in the ID code registration mode; and the ID code sections are stored in the second storing unit, as recited in claims 1, 11 and 21. Nor does Drori disclose such features of claims 1, 11 and 21.

In addition, Drori does not disclose reverting out of the ID registration mode as defined in claims 9-10, 19-20 and 29-30. Drori merely teaches exiting of programming mode to increase or decrease the sensitivity of alarm or sensor warning upon the lapse of time.

Based on the above, none of Marino and Drori teaches or suggests the communication apparatus defined in claims 9-10, 19-20 and 29-30, either individually or in combination. Applicants respectfully request the Examiner to withdraw the rejection to claims 9-10, 19-20 and 29-30.

3. Claims 7-8, 17-18 and 27-28

Claims 7-8, 17-18 and 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marino in view of Tin. The Office Action concedes that Marino does not disclose a notifying mechanism. However, the Office Action asserts that Tin teaches such feature and that it would have been obvious to one of ordinary skill in the art to combine the device of Marino with teaching of Tin, i.e., LED 27-30 disclosed in FIG. 5.

Tin discloses a remote control car starter having a handset and a mainset. The handset has a code generator and an encoder for generating an encoded security code and a command code and a transmitter for transmitting the codes to the mainset. The mainset has reception components and various automobile components. Tin discloses LED 27-30 as indicator circuits. Specifically, LED 27 indicates the occurrence of an unauthorized entry, LED 28 indicates that the engine has ceased running, LED 29 indicates the signal to activate an automatic garage door opener and LED 30 indicates the completion of the engine start.

Claims 7-8, 17-18 and 27-28 directly or indirectly depend from claims 1, 11 and 21. As discussed in the foregoing Sections B and C. 1, Marino does not disclose, *inter alia*, a portable transmitter wherein each ID code section is generated corresponding to the operation of at least one operating switch; the ID code sections are registered as the ID code in the ID code registration mode; and the ID code sections are stored in the second storing unit, as recited in claims 1, 11 and 21. Nor does Tin disclose such features of claims 1, 11 and 21.

In addition, Tin does not disclose a notifying mechanism to indicate a storage state of the ID code sections. Tin discloses several LEDs, but such LEDs do not indicate the storage state of the ID code sections. Thus, even if Marino and Tin were combined, the combination does not disclose the communication apparatus of claims 7-8, 17-18 and 27-28.

Based on the above, none of Marino and Tin teaches or suggests claims 7-8, 17-18 and 27-28, either individually or in combination. Applicants respectfully request the Examiner to withdraw the rejection to claims 7-8, 17-18 and 27-28.

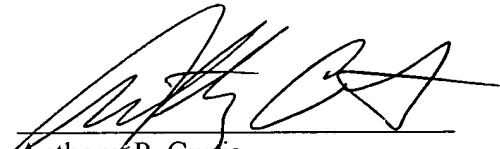
For the foregoing reasons, claims 1-6 are not anticipated by Marino. Claims 11-16 and 21-26 are not obvious over Marino. In addition, claims 7-10, 17-20, 27-30 are not obvious over

Marino in view of Drori and Tin, either alone or in combination. Applicants respectfully request the Examiner to withdraw the rejections to claims 1-30.

### CONCLUSION

In view of the arguments above, pending claims 1-30 are patentable. Applicants respectfully request the Examiner to grant early allowance of this application. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,

  
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